

Sunshine Ordinance Task Force
Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102
sotf@sfgov.org
sent via email to Task Force

Your ref.
SOTF 19044

Date
2019-06-03

RE: SF Sunshine Ordinance Complaint 19044, Anonymous v. Dennis Herrera, Elizabeth Coolbrith

To the Sunshine Ordinance Task Force:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

On May 8, 2019, I filed a Sunshine Ordinance complaint with your Task Force against the Office of the City Attorney, Dennis Herrera (city attorney), and Elizabeth Coolbrith (paralegal to city attorney), and sent a copy to the City Attorney by email as a courtesy.

On May 10, 2019, Cheryl Leger, Assistant Clerk, Board of Supervisors captioned my complaint *19044, Anonymous v. Dennis Herrera, Elizabeth Coolbrith* and requested from the Office of the City Attorney a response within 5 business days.

On May 17, 2019, I received an additional email from Ms. Coolbrith on behalf of the City Attorney disclosing additional portions of one of the records responsive to my request and requesting I withdraw my Task Force complaint. On the same day, I replied¹ to the City Attorney's office and also forwarded my response to your Task Force for your files and consideration, outlining the reasons I do not believe the additional disclosures are legally sufficient, and asked that, even if your Task Force finds the additional disclosures sufficient, your Task Force still find the City Attorney's prior actions non-compliant with the Sunshine Ordinance.

¹https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf

As of this letter, I do not know whether the City Attorney has formally sent a response to your Task Force. If the City Attorney has sent such a response, I request that response from your Task Force under the CPRA, the Sunshine Ordinance, and your Complaint Procedure B.5 which makes all submissions public.

I will also note that if a response has not been timely submitted, that may itself be a violation.

Furthermore, while not binding upon your Task Force, you may wish to also consider this note from League of California Cities' "The People's Business"²:

Agencies that receive requests for metadata or requests for records that include metadata should treat the requests the same way they treat all other requests for electronic information and disclose nonexempt metadata.

It also points out that "evolving law in other jurisdictions has held that local agency metadata is a public record subject to disclosure unless an exemption applies"³ (see *Lake v. City of Phoenix*, (2009) 218 P.3d 1004, 1008; *O'Neill v. City of Shoreline* (2010) 240 P.3d 1149, 1154; *Irwin v. Onondaga County* (2010) 895 N.Y.S.2d 262, 268.).

Regardless, I hope that the complaint is now ripe for consideration by your Task Force or a committee thereof. As it would be difficult for me to be physically present at any in-person hearings, and in order to maintain my anonymity, I would appreciate the opportunity to be heard via conference call (telephone, Google Hangouts, Skype, etc.) if needed. Since this e-mail mailbox is completely public, I can send an email from a private address to retrieve conference call connection information if it is available.

Sincerely,

72056-97339218@requests.muckrock.com (Anonymous requestor)

²Retrieved June 3, 2019. April 2017. League of California Cities. "The People's Business." Page 14.
<http://www.cacities.org/Resources/Open-Government/THE-PEOPLE%E2%80%99S-BUSINESS-A-Guide-to-the-California-Pu.aspx>

³Ibid.